

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Katherine Dee Fletcher,

Plaintiff,

v.

Gov. Entities,

Defendants.

Case No. 2:24-cv-00577-JAD-BNW

ORDER

Plaintiff has filed a complaint and moves to proceed *in forma pauperis* (IFP). *See* ECF No. 1. Plaintiff submitted the affidavit required by 28 U.S.C. § 1915(a)(2) showing an inability to prepay fees or costs or give security for them. Accordingly, the Court will grant her request to proceed *in forma pauperis*. The Court now screens Plaintiff's complaint (ECF No. 1-1).

I. ANALYSIS

A. Screening standard

Upon granting a request to proceed *in forma pauperis*, a court must screen the complaint under 28 U.S.C. § 1915(e)(2). In screening the complaint, a court must identify cognizable claims and dismiss claims that are frivolous, malicious, fail to state a claim on which relief may be granted or seek monetary relief from a defendant who is immune from such relief. *Id.* Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must "contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). The court liberally construes pro se complaints and may only dismiss them "if it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir. 2014) (quoting *Iqbal*, 556 U.S. at 678).

1 In considering whether the complaint is sufficient to state a claim, all allegations of
2 material fact are taken as true and construed in the light most favorable to the plaintiff. *Wylor*
3 *Summit P'ship v. Turner Broad. Sys. Inc.*, 135 F.3d 658, 661 (9th Cir. 1998) (citation omitted).
4 Although the standard under Rule 12(b)(6) does not require detailed factual allegations, a plaintiff
5 must provide more than mere labels and conclusions. *Bell Atlantic Corp. v. Twombly*, 550 U.S.
6 544, 555 (2007). A formulaic recitation of the elements of a cause of action is insufficient. *Id.*
7 Unless it is clear the complaint's deficiencies could not be cured through amendment, a pro se
8 plaintiff should be given leave to amend the complaint with notice regarding the complaint's
9 deficiencies. *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

10 **B. Screening the Complaint**

11 Plaintiff's 33-page long complaint is not easy to understand. *See* ECF No. 1-1. Indeed,
12 several of the pages in the complaint are scratched out. *See id.* While Plaintiff generally
13 references violations of laws, she does not break her complaint into counts or claims against
14 specific defendants. *Id.* Even liberally construing Plaintiff's complaint, the Court is unable to
15 determine exactly what claims Plaintiff is attempting to allege against which defendants and
16 cannot evaluate whether Plaintiff states any claims for relief. Accordingly, the Court will dismiss
17 Plaintiff's complaint without prejudice and with leave to amend to file a more manageable
18 complaint. *See Dietz v. Bouldin*, 136 S. Ct. 1885, 1891 (2016) (holding that the Supreme Court
19 "has long recognized that a district court possesses inherent powers that are 'governed not by rule
20 or statute but by the control necessarily vested in courts to manage their own affairs so as to
21 achieve the orderly and expeditious disposition of cases.'").

22 To help Plaintiff file a properly formatted complaint, the Court advises Plaintiff of the
23 following requirements under the Federal Rules of Civil Procedure. Plaintiff is also advised that
24 failure to comply with these rules when drafting and filing her amended complaint will result in a
25 recommendation that this action be dismissed.

26 First, Plaintiff is advised that she must specify which claims she is alleging against which
27 defendants. Although the Federal Rules of Civil Procedure adopt a flexible pleading policy,
28 Plaintiff still must give defendants fair notice of each of the claims he is alleging against each

1 defendant. Specifically, she must allege facts showing how each named defendant is involved and
2 the approximate dates of their involvement. Put another way, Plaintiff should tell the Court, in
3 plain language, what each defendant did to her and when. “While legal conclusions can provide
4 the framework of a complaint, they must be supported with factual allegations.” *Ashcroft v. Iqbal*,
5 556 U.S. 662, 679 (2009).

6 Second, Plaintiff’s amended complaint must be short and plain. The simpler and more
7 concise Plaintiff’s complaint, the easier it is for the Court to understand and screen it. The Federal
8 Rules also require this. Under Federal Rule of Civil Procedure 8, Plaintiff’s amended complaint
9 must contain “a short and plain statement of the claim showing that [Plaintiff] is entitled to
10 relief.” FED. R. CIV. P. 8(a)(2). “Each allegation must be simple, concise, and direct.” FED. R. CIV.
11 P. 8(d)(1). “A party must state its claims or defenses in numbered paragraphs, each limited as far
12 as practicable to a single set of circumstances.” FED. R. CIV. P. 10(b). “[E]ach claim founded on a
13 separate transaction or occurrence . . . must be stated in a separate count.” *Id.*

14 Third, Plaintiff may not raise multiple unrelated claims in a single lawsuit. The Federal
15 Rules of Civil Procedure do not permit a litigant to raise unrelated claims involving different
16 defendants in a single action. A basic lawsuit is a single claim against a single defendant. Federal
17 Rule of Civil Procedure 18(a) allows a plaintiff to add multiple claims to the lawsuit when those
18 claims are against the same defendant. Federal Rule of Civil Procedure 20(a) allows a plaintiff to
19 add multiple parties to a lawsuit where the right to relief arises out of the “same transaction,
20 occurrence, or series of transactions or occurrences.” FED. R. CIV. P. 20(a)(2)(A). “However,
21 unrelated claims that involve different defendants must be brought in separate lawsuits.” *Bryant v.*
22 *Romero*, No. 1:12-CV-02074-DLB PC, 2013 WL 5923108, at *2 (E.D. Cal. Nov. 1, 2013) (citing
23 *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007)).

24 Lastly, Plaintiff’s amended complaint must be complete in and of itself. If Plaintiff
25 chooses to file an amended complaint, she is advised that an amended complaint supersedes the
26 original complaint and, thus, the amended complaint must be complete by itself. *See Hal Roach*
27 *Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that
28 “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading

1 supersedes the original”); *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding
2 that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims in a
3 subsequent amended complaint to preserve them for appeal). Plaintiff’s amended complaint must
4 contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this
5 lawsuit. Moreover, Plaintiff must file her amended complaint on this Court’s approved form,
6 which the Clerk of Court will send Plaintiff.

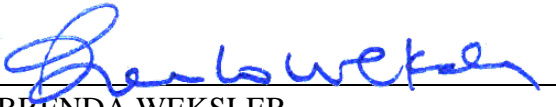
7 **I. CONCLUSION**

8 IT IS THEREFORE ORDERED that Plaintiff’s complaint (ECF No. 1-1) is dismissed
9 without prejudice and with leave to amend.

10 IT IS FURTHER ORDERED that the Clerk of Court shall mail Plaintiff a copy of the
11 prisoner, pro se form complaint.

12 IT IS FURTHER ORDERED that if Plaintiff chooses to amend her complaint, she must
13 do so by May 1, 2024. If Plaintiff chooses not to amend her complaint, this Court will
14 recommend that her case be dismissed.

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16 DATED: April 1, 2024

17 
18 BREND A WEKSLER
19 UNITED STATES MAGISTRATE JUDGE
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